

Exhibit 3

United States Department of Justice
Office of the United States Trustee
1100 Commerce St. Room 976
Dallas, Texas 75242
(214) 767-1079
Meredyth A. Kippes, Trial Attorney
State Bar No. 24007882

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

Eric C. Blue, et al.,

Debtors.

§
§
§
§
§

CASE NO. 19-33568-bjh7

**AFFIDAVIT IN SUPPORT OF MOTION TO COMPEL DEBTOR TO APPEAR
AT SECTION 341 MEETING OF CREDITORS**

State of Texas }
County of Dallas }

BEFORE ME, the undersigned authority, on this day personally appeared Bradley Perdue, known to me to be a credible person, competent in all respects to make this Affidavit, and who, being by me sworn under oath, stated:

“My name is Bradley Perdue. I am an Analyst in the Office of the United States Trustee for Region 6. I am over the age of 18 years, have never been convicted of a felony, have personal knowledge of the matters stated herein and swear and affirm that the following statements are true and correct.

“An involuntary petition under chapter 7 of the Bankruptcy Code was filed on October 29, 2019 (Docket Entry No. 1) against Eric. C. Blue (the “Debtor”). This Court entered the Order for Relief in an Involuntary Case (the “Order for Relief,” Docket Entry No. 8) on

Affidavit

Page 1 of 4

Exhibit A to Motion to Compel

November 26, 2019. An order jointly administering this case with member cases 19-33569 and 19-33571, which were also initiated by involuntary petition, was entered by this Court on December 12, 2019 (Docket Entry No. 14).

The Debtor did not file his own Schedules (Docket Entry No. 18) or Statement of Financial Affairs (Docket Entry No. 19). In accordance with the Court's Order for Relief, the petitioning creditor filed the Schedules and Statement of Financial Affairs because the Debtor failed to file such documents within 14 days of the date of entry of the Order for Relief.

The date first set for the section 341 meeting of creditors in these jointly administered cases was January 6, 2020. The deadline by which a discharge complaint under § 727 or a motion to dismiss in the individual case shall be filed is, therefore, March 6, 2020 (the "Deadline"). The United States Trustee filed his *Motion to Extend Deadline by which the United States Trustee and/or the Chapter 7 Trustee may file a Complaint Objecting to Discharge under 11 U.S.C. § 727 or a Motion to Dismiss under 11 U.S.C. § 707 through and including May 5, 2020* (the "Motions to Extend" Docket Entry Nos. 23 and 24). The Motions to Extend are set for hearing on April 3, 2020. The Debtor does not oppose the relief set forth in the Motions to Extend. *See* Docket Entry No. 27.

The Debtor failed to appear at the first section 341 meeting in these jointly administered cases on January 6, 2020. The Debtor failed to appear at the continued section 341 meeting in these jointly administered cases on February 11, 2020.

On March 9, 2020, the Debtor emailed attorney, Meredyth Kippes, with the office of the United State Trustee, copy to me, requesting that the March 11, 2020 section 341 meeting of creditors be moved to March 18, 2020 because the Debtor had decided to retain counsel and that

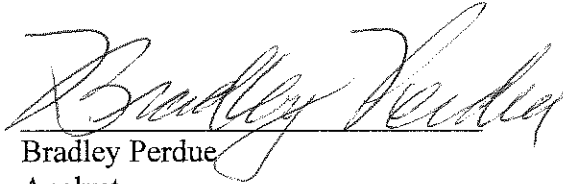
such counsel was working to get up to speed. The Debtor wanted the meeting reset so that his counsel could have time to prepare. Ms. Kippes replied – copy to me, to David Elmquist, counsel for the Chapter 7 Trustee, and to Diane Reed, the Chapter 7 Trustee – requesting the contact information of Debtor’s new counsel, telling the Debtor that she could not reset the meeting of creditors because she did not set it, and telling the Debtor to confer with Ms. Reed and Mr. Elmquist regarding a resetting of the meeting.

A true and correct copy of email correspondence between the Debtor and Ms. Kippes, copy to me, dating from March 5, 2020 to March 10, 2020 is attached to this Affidavit as *Exhibit 1*.

On March 10, 2020, Trustee Diane Reed emailed the Debtor – copy to David Elmquist, Linda Paquette-Gordan, Omar Alaniz, and Ms. Kippes – indicating that she would not be able to reset the section 341 meeting scheduled for March 11, 2020. Mr. Blue replied that he had only gotten notice of the meeting that week and that he was in upstate New York, so would be unable to attend. Ms. Kippes forwarded that email exchange to me for my information. A true and correct copy of Ms. Kippes’s forwarded email is attached to this Affidavit as *Exhibit 2*.

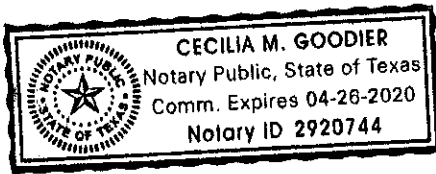
The Debtor failed to appear at the second continued section 341 meeting in these jointly cases on March 11, 2020. The Chapter Trustee, Diane Reed, continued the section 341 meeting in these jointly administered cases to April 14, 2020 at 12:00 p.m.”


SIGNED this 12TH day of March 2020.



Bradley Perdue
Analyst
Office of the United States Trustee

SUBSCRIBED AND SWORN TO BEFORE ME, THE UNDERSIGNED Notary Public,
on this 12th day of March 2020, to certify which, witness my hand and official seal.




Cecilia M. Goodier, Notary Public
State of Texas

Kippes, Meredyth A. (USTP)

From: Kippes, Meredyth A. (USTP)
Sent: Tuesday, March 10, 2020 8:54 AM
To: Eric Blue
Cc: Perdue, Bradley (USTP); 'delmquist@bcylawyers.com'; Diane Reed
Subject: RE: In re Eric C. Blue, et al., Case No. 19-33568-BJH-7 / request for extension of time

Mr. Blue,

First, who have you engaged as counsel? Please put him/her in touch with me and/or me in touch with him/her ASAP so that I can talk to your counsel about this matter. If a debtor is represented by counsel, I cannot continue negotiations with the debtor directly, but would need to do that through counsel.

As to the meeting of creditors, I did not set the meeting, so I cannot reset the meeting. The chapter 7 trustee set the continued meeting of creditors, so you would have to confer with her and her counsel regarding resetting the meeting. I have copied the trustee, Diane Reed, and her counsel, David Elmquist, on this email.

Best regards,
MK

Meredyth A. Kippes
Trial Attorney, Office of the United States Trustee
meredyth.a.kippes@usdoj.gov
214-767-1079

From: Eric Blue <Eric.Blue@bridgewaynational.com>
Sent: Monday, March 9, 2020 4:53 PM
To: Kippes, Meredyth A. (USTP) <Meredyth.A.Kippes@UST.DOJ.GOV>
Cc: Perdue, Bradley (USTP) <Bradley.D.Perdue@UST.DOJ.GOV>
Subject: RE: In re Eric C. Blue, et al., Case No. 19-33568-BJH-7 / request for extension of time

Meredyth –

Following up here. I have elected to engage counsel to assist with this and they are working to get up to speed. Is it possible to push back the proposed meeting of creditors to next week on March 18th? This would give counsel enough time to prepare.

Thanks in advance –

Eric C. Blue | eric.blue@bridgewaynational.com
Bridgeway National Corp.
D: 972-525-8546 | M: 214-205-6215 | F: 972-525-8720
www.bridgewaynational.com

From: Kippes, Meredyth A. (USTP) <Meredyth.A.Kippes@usdoj.gov>
Sent: Friday, March 6, 2020 1:32 PM
To: Eric Blue <Eric.Blue@bridgewaynational.com>

Exhibit 1 to Perdue Affidavit

Exhibit A to Motion to Compel

Cc: Perdue, Bradley (USTP) <Bradley.D.Perdue@usdoj.gov>

Subject: RE: In re Eric C. Blue, et al., Case No. 19-33568-BJH-7 / request for extension of time

Mr. Blue,

Attached is a proposed form of agreed order extending the deadline to May 5, 2020, as we have discussed in this email thread. If you approve of the form of order, please sign it in the space provided and return it to me at the address in my signature below. As soon as I receive it from you, I will also sign it and present it to the Court.

One note, however: I cannot give you legal advice, but I urge you to consult bankruptcy counsel regarding this form of order and regarding this bankruptcy case in general, including your attendance at the continued section 341 meeting of creditors on March 11, 2020 at 10:00 am on the 5th Floor of the Earle Cabell Building, 1100 Commerce Street, Dallas, Texas. For your convenience, I have appended the docket entry rescheduling the meeting of creditors below.

02/12/2020	Continuance of meeting of creditors originally scheduled for 2/11/2020. To be continued on 3/11/2020 at AM at Dallas 341 Rm 524. Debtor appeared. (Reed, Diane)
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I look forward to hearing from you soon regarding the agreed order extending time.

Best regards,
MK

Meredyth A. Kippes

Office of the United States Trustee
Trial Attorney, Region 6, Dallas
(214) 767-1079 Office Phone
(214) 767-8971 Office Fax
meredyth.a.kippes@usdoj.gov
1100 Commerce Street, Room 976
Dallas, Texas 75242
United States

From: Eric Blue <Eric.Blue@bridgewaynational.com>

Sent: Friday, March 6, 2020 12:01 PM

To: Kippes, Meredyth A. (USTP) <Meredyth.A.Kippes@UST.DOJ.GOV>

Cc: Perdue, Bradley (USTP) <Bradley.D.Perdue@UST.DOJ.GOV>

Subject: RE: In re Eric C. Blue, et al., Case No. 19-33568-BJH-7 / request for extension of time

That works. Thank you

Eric C. Blue | eric.blue@bridgewaynational.com

Bridgeway National Corp.

D: 972-525-8546 | M: 214-205-6215 | F: 972-525-8720

www.bridgewaynational.com

From: Kippes, Meredyth A. (USTP) <Meredyth.A.Kippes@usdoj.gov>

Sent: Friday, March 6, 2020 12:47 PM

Exhibit 1 to Perdue Affidavit

Exhibit A to Motion to Compel

To: Eric Blue <Eric.Blue@bridgewaynational.com>
Cc: Perdue, Bradley (USTP) <Bradley.D.Perdue@usdoj.gov>
Subject: RE: In re Eric C. Blue, et al., Case No. 19-33568-BJH-7 / request for extension of time

Thank you. I will get a form of order drafted and to you, hopefully, by the end of the day.

MK

Meredyth A. Kippes
Trial Attorney, Office of the United States Trustee
meredyth.a.kippes@usdoj.gov
214-767-1079

From: Eric Blue <Eric.Blue@bridgewaynational.com>
Sent: Friday, March 6, 2020 11:43 AM
To: Kippes, Meredyth A. (USTP) <Meredyth.A.Kippes@UST.DOJ.GOV>
Cc: Perdue, Bradley (USTP) <Bradley.D.Perdue@UST.DOJ.GOV>
Subject: RE: In re Eric C. Blue, et al., Case No. 19-33568-BJH-7 / request for extension of time

Meredyth –

Yes I would be willing to sign such an order.

Regards -

Eric C. Blue | eric.blue@bridgewaynational.com
Bridgeway National Corp.
D: 972-525-8546 | M: 214-205-6215 | F: 972-525-8720
www.bridgewaynational.com

From: Kippes, Meredyth A. (USTP) <Meredyth.A.Kippes@usdoj.gov>
Sent: Friday, March 6, 2020 11:53 AM
To: Eric Blue <Eric.Blue@bridgewaynational.com>
Cc: Perdue, Bradley (USTP) <Bradley.D.Perdue@usdoj.gov>
Subject: RE: In re Eric C. Blue, et al., Case No. 19-33568-BJH-7 / request for extension of time

Thank you, Mr. Blue,

I have filed the motion this morning. Attached to this email is the motion and notice of hearing. The motion reflects that I was unable to confer with you prior to filing the motion. I will file an amended certificate of conference with the court reflecting that you do not oppose the relief.

Would you be willing to enter into an agreed order extending the deadline? If so, I will prepare it and send it to you for consideration. You would just need to sign it where indicated and send it back to me. In that scenario, once I received it, I would present the order to the Court and hopefully cancel the hearing.

Best regards,
MK

Meredyth A. Kippes

Exhibit 1 to Perdue Affidavit

Exhibit A to Motion to Compel

Trial Attorney, Office of the United States Trustee
meredyth.a.kippes@usdoj.gov
214-767-1079

From: Eric Blue <Eric.Blue@bridgewaynational.com>
Sent: Friday, March 6, 2020 10:44 AM
To: Kippes, Meredyth A. (USTP) <Meredyth.A.Kippes@UST.D.OJ.GOV>
Cc: Perdue, Bradley (USTP) <Bradley.D.Perdue@UST.D.OJ.GOV>
Subject: RE: In re Eric C. Blue, et al., Case No. 19-33568-BJH-7 / request for extension of time

Meredyth –

Apologies for the delay here but this email ended up in my spam filter. I do not oppose the requested relief. Please send me a copy of the motion once its ruled on by the judge.

Eric C. Blue | eric.blue@bridgewaynational.com
Bridgeway National Corp.
D: 972-525-8546 | M: 214-205-6215 | F: 972-525-8720
www.bridgewaynational.com

From: Kippes, Meredyth A. (USTP) <Meredyth.A.Kippes@usdoj.gov>
Sent: Thursday, March 5, 2020 2:20 PM
To: Eric Blue <Eric.Blue@bridgewaynational.com>
Cc: Perdue, Bradley (USTP) <Bradley.D.Perdue@usdoj.gov>
Subject: In re Eric C. Blue, et al., Case No. 19-33568-BJH-7 / request for extension of time

Mr. Blue,

I am a trial attorney with the Office of the United States Trustee in Dallas, Texas. The United States Trustee intends to file a motion to extend the deadline to file an objection to your chapter 7 discharge or to file a motion to dismiss your case. The United States Trustee seeks an extension of time for 60 days to May 5, 2020. The United States Trustee will file his motion to extend on 3/6/2020. Please respond to this email by 5:00 p.m. on 3/5/2020 stating whether you oppose or do not oppose the requested relief.

Best regards,

Meredyth A. Kippes
Office of the United States Trustee
Trial Attorney, Region 6, Dallas
(214) 767-1079 Office Phone
(214) 767-8971 Office Fax
meredyth.a.kippes@usdoj.gov
1100 Commerce Street, Room 976
Dallas, Texas 75242
United States

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Exhibit 1 to Perdue Affidavit

Exhibit A to Motion to Compel

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Exhibit 1 to Perdue Affidavit

Exhibit A to Motion to Compel

Kippes, Meredyth A. (USTP)

From: Kippes, Meredyth A. (USTP)
Sent: Wednesday, March 11, 2020 7:09 AM
To: Perdue, Bradley (USTP)
Subject: FW: Request for extension of time

FYI

Meredyth A. Kippes
Trial Attorney, Office of the United States Trustee
meredyth.a.kippes@usdoj.gov
214-767-1079

From: Eric Blue <Eric.Blue@bridgewaynational.com>
Sent: Tuesday, March 10, 2020 4:59 PM
To: Diane Reed <dreed@bcylawyers.com>
Cc: David Elmquist <delmquist@bcylawyers.com>; Kippes, Meredyth A. (USTP) <Meredyth.A.Kippes@UST.DOJ.GOV>; Linda Paquette-Gordon <lpayette@bcylawyers.com>; Omar.Alaniz@BakerBotts.com
Subject: Re: Request for extension of time

Diane -

Thanks for the reply and the consideration for moving the date so that I could participate. I received notice of this date this week and am not in Dallas this week so not sure where that leaves things. I am completely open to resolving this but am currently in upstate New York for the week.

On Mar 10, 2020, at 5:53 PM, Diane Reed <dreed@bcylawyers.com> wrote:

Mr. Blue:

Unfortunately, I cannot agree to continue the meeting of creditors until the 18th for two reasons: (1) this meeting was scheduled once before, and you failed to attend, inconveniencing Trustee and creditors and United States Trustee's representative, who had attended in anticipation of your testimony; (2) I am not available on the 18th or any other date in March. The Trustee's calendar is set by the United States Trustee and cases placed on the docket by the clerk's office. I have no other dates available in March.

I look forward to seeing you tomorrow to testify in all three pending cases.

Diane G. Reed, Trustee

501 N. College Street
Waxahachie, TX 75165
Main: (972) 938-7334

Perdue Affidavit Exhibit 2

Exhibit A to Motion to Compel

Fax: 1+(972) 923-0430
e-mail: dreed@bcylawyers.com

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Perdue Affidavit Exhibit 2

Exhibit A to Motion to Compel